

2008 Rules Impact Report

Rule	Will Affect	Summary and Impact
Arizona Rules of the Supreme Court		
Supreme Ct Rule 122 R-07-0016 Contact AOC Specialist	All courts Judges Clerks of the Court Court Administrators	<p>Rule 122 concerns electronic and photographic coverage of public judicial proceedings.</p> <p>Impact: The rule change removes the old prohibition of camera coverage in the courtroom from being in the sole discretion of the trial judge. The new rule requires instead that if the judge denies camera coverage, it must be on the basis of a “likelihood of harm”, and that the judge give specific reasons on the record to support the denial of camera coverage. The rule change also requires the trial judge to hold a hearing if there is an objection to a request for camera coverage.</p> <ul style="list-style-type: none"> • The request for camera coverage must be made at least two days before the hearing, unless the proceeding is scheduled on less than three days notice. • The trial court may limit or prohibit camera coverage only after making “specific, on-the-record findings” that there is a likelihood of harm if camera coverage were allowed that outweighs the benefit to the public of camera coverage. Under the rule, the trial court will have the responsibility to go through a pretrial analysis of potential harm whenever a request is submitted to place a camera in the courtroom. • If there is any objection to camera coverage, either by a party or by a witness, the rule requires the trial court to “hold a hearing promptly” to resolve the objection. • Decisions allowing or limiting camera coverage are reviewable only by special action. • Electronic and photographic coverage of juvenile proceedings is prohibited, with only a limited exception for adoption proceedings.
Arizona Rules of Civil Appellate Procedure		
ARCAP 16, 22, and 23 R-07-0014 and R-07-0025 Contact AOC Specialist	Supreme Court Court of Appeals Clerks of the Court	<p>These rules limit petitions for review, responses to petitions for review, motions for reconsideration, and amicus briefs, to 3,500 words of proportional typeface; ten pages of monospaced typeface; or twelve handwritten pages. While other appellate briefs and special action petitions already have rule-restricted word counts, these rules extend a word count restriction to those other appellate filings.</p> <p>Impact. Other than checking the certification of compliance for word count, no significant impact is anticipated. See further Ariz. R. Crim. P. 31.18, 31.19, and 31.25 below.</p>
Arizona Rules of Civil Procedure		
Ariz. R. Civil P. 5.2 (and Rule 84, Form 8) R-07-0024 Contact AOC Specialist	Superior Court Judges Clerks of the Court Court Administrators	<p>The rule allows for limited appearances by counsel on behalf of vulnerable adults in cases of financial exploitation. Included with the rule is a form: “Notice of Limited Scope Representation in Action Brought Pursuant to ARS 46-451”. The rule contemplates the withdrawal of counsel after preliminary proceedings (e.g., filing the action or an initial hearing.)</p>

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		<p>The rule is experimental and will be reviewed in four years.</p> <p>Impact. Having counsel representing vulnerable adults, even for a limited appearance, should promote case processing efficiency, and should have little or no negative impact on the court.</p>
<p>Ariz. R. Civil P. 8(h)(i)</p> <p>R-08-0008</p> <p>Contact AOC Specialist</p>	<p>Superior Court</p> <p>Clerks of the Court</p> <p>Court Administrators</p>	<p>Rule 8(h)(i) requires that the Plaintiff file a cover sheet, approved by the Supreme Court, at the time of filing an initial civil complaint. (The information on the cover sheet, particularly about case type, is entered into the court's automation system and facilitates statistical reporting.) The form for the new cover sheet will be maintained on the website of the Administrative Office of the Courts.</p> <p>The superior court in each county may utilize a designated box at the top of the form for limited county specific information. Additionally, the superior court may request the Administrative Office of the Courts to add categories as necessary. The Administrative Office of the Courts will maintain the standard statewide coversheet on the Arizona Supreme Court's website.</p> <p>Impact.</p> <ul style="list-style-type: none"> • For those counties which have not used a civil cover sheet in the past, a process needs to be established in the case management system to ensure that codes related to each standardized case category can be entered. • Since the cover sheet is mandatory, Clerks of the Court at the filing window must verify that the form has been submitted. • For counties with a complex case program, in addition to identifying complexity in the cover sheet, the case caption must also identify the action as complex. • There is no requirement that the civil cover sheet be kept by the court following data entry, but individual counties may choose to do so.
<p>Ariz. R. Civil P. 33.1 (and Rule 84, Forms 4, 5, and 6)</p> <p>R-07-0022</p> <p>Contact AOC Specialist</p>	<p>Superior Court</p> <p>Justice Court</p> <p>Judges</p> <p>Court Administrators</p> <p>Clerks of Court</p>	<p>Any uniform interrogatory may be used where it fits the legal or factual issues of the particular case, regardless of how the action or claims are designated. The party proposing a uniform interrogatory may also limit the scope of the interrogatory, yet still maintain it as "uniform".</p> <p>The forms in Rule 84 also have a variety of changes to the wording of the uniform interrogatories used in medical malpractice, personal injury, and contract cases.</p> <p>Impact. The rule should have no negative impact on the courts, and may to the contrary serve to reduce the number of discovery disputes requiring court intervention.</p> <p>However, Clerks of the Court and/or administrators who maintain self-service centers, or who make forms available on-line or through other means, will need to update their uniform interrogatories as specified in the amended Rule 84.</p>
<p>Ariz. R. Civil P 39(d), 47(b), and</p>	<p>Superior Court</p> <p>Justice Court</p>	<p>This change concerns trial juries. Certain provisions about trial juries (for example, voir dire, peremptory challenges, instructions</p>

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51(a) R-08-0002 Contact AOC Specialist	Judges Clerks of the Court Court Administrators	<p>to a jury, and jury deliberations) were previously included within ACJA, section 5-203. This rule moves those ACJA provisions within the respective rules of civil procedure.</p> <p>Impact. Inasmuch as these provisions are already commonly incorporated into civil jury management practices, there should be no impact.</p>
Ariz. R. Civil P 65.2 R-07-0007 Contact AOC Specialist	Superior Court Judges Clerks of the Court Court Administrators	<p>Rule 65.2, Ariz. R. Civ. P., was adopted on an emergency basis effective January 1, 2008, and amended on an emergency basis effective May 2, 2008. The rule has now been adopted on a permanent basis.</p> <p>This rule contains procedures for implementing civil filings by the County Attorney pursuant to ARS section 23-212 (dealing with sanctions for employment of undocumented immigrants; the legislation went into effect on January 1, 2008.) Rule 65.2 went into effect on an emergency basis on the same date in order to implement the legislation.</p> <p>The statute and rule together provide for an array of procedures.</p> <p>Impact:</p> <ul style="list-style-type: none"> • New civil filings will be under a designated sub-category code. • The rule also provides for a variety of other procedures, including expedited proceedings, court conferences and motion proceedings, evidentiary hearings, and the entry of appropriate orders, including orders suspending employer licenses. • Under Rule 65.2(m), the court can assess a filing fee, but this would only minimally offset processing costs.
Ariz. R. Civil P 70.1 R-07-0027 Contact AOC Specialist	Superior Court Judges Clerks of the Court Court Administrators	<p>This new rule requires payees of structured settlements wishing to transfer all or a portion of the structured settlement rights to file a declaration in support of the application disclosing specified information when submitting an application pursuant to A.R.S. section 12-2901.</p> <p>Impact: The rule will require the filing of an additional document on applications to transfer structured settlement rights.</p>
Ariz. R. Civil P 84 – Forms Contact AOC Specialist	Superior Court Justice Court	<p>See the discussion above regarding Rules 5.2 and 33.1 for further information about new or modified Rule 84 forms.</p>
Arizona Rules of Criminal Procedure		
Ariz. R. Crim. P 4.2, 7.2, 7.4, 27.7, and 31.6 R-07-0003 Contact	Superior Court Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>Amendments to these rules and forms were adopted on an emergency basis after a brief public comment period, effective as of July 3, 2007. The petition was reopened for public comment until May 20, 2008.</p> <p>The Supreme Court has now ordered that Rule 7.4(b) be further amended, effective September 26, 2008; and that all other</p>

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AOC Specialist		<p>amendments to these rules be made permanent.</p> <p>These rules are adopted to incorporate within the Rules of Criminal Procedure, and accompanying forms, the mandate of Proposition 100 (Ariz. Constitution, Art. II, section 22, and ARS section 13-3961), which denies bail on serious felony offenses if the person charged has entered or remains in the United States illegally. See further Segura/Tovar v Superior Court (Div. 1, 4/24/08).</p> <p>Impact:</p> <ul style="list-style-type: none"> • Proposition 100 criteria are incorporated within the criminal rules regarding initial appearance (Rule 4.2) and release (Rule 7.2) by reference to the applicable constitutional and statutory provisions. • The rules changes may extend the length of time spent for the initial appearance because whether an offense is not bailable must be considered at the initial appearance. • Subsequent release motions may require evidentiary hearings on the issues of whether the “proof is evident” that the defendant committed a serious offense, and whether there is probable cause that the defendant is illegally in the U.S. See rule 7.4b: “If the motion involves whether the person should be held without bail, a hearing on the motion shall be held on the record....” • Evidentiary hearings may require additional judicial time as well as other resources, including counsel for both sides and a court reporter. • Under the most recent amendment to Rule 7.4(b), a motion for subsequent review of conditions made by a defendant held without bail need not allege new facts. A hearing on the motion must be held “as soon as practicable”, but no later than seven days after the motion is filed.
<p>Ariz. R. Crim. P 7.3 and 7.5</p> <p>R-08-0019</p> <p>Emergency Effective Date September 26, 2008</p> <p>Contact AOC Specialist</p>	<p>Superior Court Justice Court Municipal Court</p> <p>Judges Clerks of the Court Court Administrators</p>	<p>Defendants who are summoned to court can be ordered by the court to report, within five days, to the arresting agency in order to provide bodily substance samples for DNA testing. (Persons who are or were in custody are already subject to the requirement of providing DNA samples.)</p> <p>These rules apply to persons charged with specifically designated felony and misdemeanor offenses. The defendant will be advised by the court that their release can be revoked if he or she does not comply with the court’s order to timely report to the arresting agency and to provide substance samples.</p> <p>The prosecutor may file a petition in the event of non-compliance, and the court shall then issue a summons or warrant for the defendant’s appearance at a revocation of release hearing.</p> <p>Impact:</p> <ul style="list-style-type: none"> • The court needs to order a defendant appearing pursuant to a summons on specified offenses to report to the arresting agency for DNA testing. • The rule may result in an increased volume of release revocation hearings under Rule 7.5.

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		See further Rules 23 and 28 of the Juvenile Rules below.
Ariz. R. Crim. P 15.1(i) R-07-0019 Contact AOC Specialist	Superior Court Judges Clerks of the Court Court Administrators	<p>Upon stipulation and with the approval of the court, the rule extends, for an additional 60 days, the time within which the prosecutor has to file a notice of intent to seek the death penalty. Notice of the stipulation must be provided to the victim's family.</p> <p>Impact. Once the stipulation to extend time is approved by the court, the case will be treated as a capital case, notwithstanding that a notice of intent to seek the death penalty had not yet been filed. This will require the appointment of capital case counsel and the assignment of a mitigation specialist, even though the case may not yet be a true death penalty case.</p>
Ariz. R. Crim. P 16.1(b) and 16.4 R-08-0007 Contact AOC Specialist	Superior Court Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>The rule harmonizes subsections of Rule 16 with a subsection of Rule 15.</p> <p>Rule 15.1(c) gives the State 30 days from the arraignment date to disclose materials. However, the old Rule 16.1(b) and Rule 16.4 required requests for omnibus hearings and mandatory prehearing conferences to be made within 25 days and 30 days, respectively, of the arraignment, i.e., before the State has made its disclosures, or simultaneously with those disclosures.</p> <p>Impact. The rule change extends the period for making Rule 16 requests to 45 days after arraignment, i.e., at least 15 days after the State has made its disclosures.</p>
Ariz. R. Crim. P 18.5, 18.6, 22.1, and 22.5 R-08-0002 Contact AOC Specialist	Superior Court Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>This change concerns trial juries. Certain provisions about trial juries (for examples, voir dire, peremptory challenges, instructions to a jury, and jury deliberations) were previously included within ACJA § 5-203. This rule moves those ACJA provisions within the respective rules of criminal procedure.</p> <p>Impact. Inasmuch as these provisions are already commonly incorporated into criminal jury management practices, there should be no impact.</p>
Ariz. R. Crim. P 31.18, 31.19, and 31.25 R-07-0014 R-07-0025 Contact AOC Specialist	Supreme Court Court of Appeals Clerks of the Court	<p>These rules limit petitions for review, responses to petitions for review, motions for reconsideration, and amicus briefs, to 3,500 words of proportional typeface; ten pages of monospaced typeface; or twelve handwritten pages. While other appellate briefs and special action petitions already have rule-restricted word counts, the rules extend a word count restriction to these other appellate filings.</p> <p>Impact. Other than checking the certification of compliance for word count, no significant impact is anticipated. See further ARCAP 16, 22, and 23 above.</p>
Arizona Rules of Probate Procedure		

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Arizona Rules of Probate Procedure R-07-0012 Contact AOC Specialist	Superior Court Judges Clerks of the Court Court Administrators	<p>Adopts statewide and uniform rules for procedures in probate proceedings pursuant to Title 14 and in proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient.</p> <p>The set of probate rules contains 38 rules including an appendix containing four forms.</p> <p>Noteworthy are the following:</p> <ul style="list-style-type: none"> • The rules are harmonized with other rules (e.g., civil procedure, juvenile and family law procedure); and provide for the application of the rules of evidence in contested probate cases, and the non-application of the rules of evidence in uncontested cases. (See Probate Rule 3.) • Rule 7 addresses the filing of confidential information. • Rule 10(A)(2) includes a provision for limited scope representation by counsel in a probate proceeding. • Proposed Rule 11 provides for telephonic appearances and testimony. • Criminal background investigations are required for non-relatives who seek appointment as the guardian of a minor, pursuant to Rule 21. • Rule 24 limits the authority of a guardian to consent to inpatient mental health treatment for a ward in a level one behavioral health facility to a duration of one year. • Rule 36 details procedures for extending that time. • Rule 27 specifies how a probate proceeding becomes “contested.” • Rule 29 specifies that the civil rules concerning compulsory arbitration procedure do not apply, unless the parties to a contested matter agree otherwise. • Procedures for inventories, accountings, and reports in guardianships, conservatorships, decedents’ estates and trusts are detailed in Rules 30, 31, and 32. • Rule 33 specifies procedures for approval of fiduciaries’ and attorneys’ fees. <p>Impact. Potential impacts may include the following:</p> <ul style="list-style-type: none"> • Probate proceedings require the filing of a Probate Information Form under Rule 6. This form, which contains social security numbers and other sensitive information, is confidential pursuant to Rule 7. Rule 7 specifies procedures for the filing and protection of this form and other confidential information, and for release of confidential information to designated persons. • The forms contained in the rules are the preferred forms and meet the requirements of the rules; however, they are not the exclusive method for presenting such matters to the court. <p>Note a correction order for R-07-0012 at this link.</p>

Rules of Procedure for the Juvenile Court

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<p>Procedure for the Juvenile Court Rules 23 and 28</p> <p>R-08-0019</p> <p>Emergency Effective Date September 26, 2008</p> <p>Contact AOC Specialist</p>	<p>Superior Court</p> <p>Judges Clerks of the Court Court Administrators Probation Officers</p>	<p>Juveniles who are summoned to court can be ordered by the court to report, within five days, to the arresting agency in order to provide bodily substance samples for DNA testing.</p> <p>These rules apply to juveniles charged with specifically designated offenses. The juvenile will be advised by the court at the advisory hearing that their release can be revoked if the juvenile does not comply with the court's order to timely report to the arresting agency and to provide substance samples.</p> <p>The prosecutor or the juvenile's probation officer may file a petition in the event of non-compliance, and the court shall then issue a summons or warrant for the juvenile's appearance at a revocation of release hearing.</p> <p>Impact:</p> <ul style="list-style-type: none"> • The court needs to order a juvenile appearing pursuant to a summons on specified offenses to report to the arresting agency for DNA testing. • The rule may result in an increasing volume of release revocation hearings under Rule 23. <p>See further Ariz. R. Crim. P. 7.3 and 7.5, above.</p>
<p>Procedure for the Juvenile Court Rule 4, 47.1, 50, 56, 58, 60, 61, 61.1, 61.2, 63, and 79</p> <p>R-08-0020</p> <p>Emergency Effective Date September 26, 2008</p> <p>Contact AOC Specialist</p>	<p>Superior Court</p> <p>Judges Clerks of the Court Court Administrators Probation Officers</p>	<p>These rules expedite permanency for children less than three years of age who have been removed from their homes; and require the court, at the preliminary protective hearing, to inform a foster parent, pre-adoptive parent, or a member of the child's extended family with whom the department has placed the child of the right to be heard in any proceeding to be held with respect to the child.</p> <p>These rules also mandate that court proceedings regarding dependent children, permanent guardianship, and termination of parental rights, are open to the public, unless closed for good cause; and establish procedures for the court to appoint a successor permanent guardian when the current permanent guardian is unable or unwilling to continue to serve as a permanent guardian.</p> <p>Impact.</p> <ul style="list-style-type: none"> • Hearings are now presumptively open; hearings can be closed with a showing of good cause. • Admonitions must be provided to attendees prior to an open court proceeding. • For children under three years of age, there are: <ul style="list-style-type: none"> ○ Expedited adoption hearings; ○ New grounds for termination of parental rights; ○ New judicial determinations; ○ Additional considerations at the first periodic review hearing; ○ Limits on the time the court continues the permanency hearing beyond six months after the child who is under three years of age is removed from the child's home.

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		<ul style="list-style-type: none"> An admonition is given that “substantially neglecting or refusing to remedy the circumstances that cause the child to be in an out-of-home placement, including refusing to participate in reunification services, is grounds for termination of parental rights to a child.” A right to be heard is extended to a relative identified as a possible placement of the child.
Superior Court Rules of Appellate Procedure		
SCRAP Civil Rule 7 Crim. Rules 6 and 7 R-08-0001 Contact AOC Specialist	Superior Court Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>In those situations where the record on appeal from a lower court is “insufficient”, the superior court judge or a party may reset the matter for a trial de novo in the limited jurisdiction court. The rule applies to appeals to the Superior Court on criminal as well as civil and civil traffic cases.</p> <p>Impact.</p> <ul style="list-style-type: none"> If it appears that the record on appeal is insufficient, the trial judge, sua sponte or on motion of a party, may conduct a trial de novo. Alternatively, the case may be remanded to the original trial court for trial or hearing. On a case which has been remanded, the parties retain rights to appeal the lower court judgment after the conclusion of further proceedings. On a criminal case, fines and jail terms may be stayed pending appeal. However, restitution payments shall not be stayed pending appeal, but shall instead be paid to and held by the clerk during the pendency of the appeal. (This replicates existing rules and statutes -- see: ARCrP 31.6, which stays a fine pending appeal; and ARS section 13-804(D), which states that restitution payments “shall not be stayed if the defendant files a notice of appeal, and the payments may be held by the court pending the outcome of an appeal.”)
Rules of Procedure in Traffic Cases and Boating Cases		
Procedure in Traffic Cases and Boating Cases Rules 1, 4 and 6 R-07-0015 Contact AOC Specialist	Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>Electronically-filed documents and scanned images of documents filed in paper form can be recognized as the original document of record in traffic and boating cases in limited jurisdiction courts.</p> <p>Impact. These modifications adopt different terminology (e.g., “distribute” instead of “deliver”, “reproduction” in lieu of “copy”) that conform the rule to electronic processes. The word “record” is defined to include “any documentary material, regardless of physical form”, and specifically includes electronic reproductions. The rule changes corroborate the e-Citation processes currently being used in a number of limited jurisdiction courts. Any additional impact should be non-existent or minimal.</p>
Procedure in Traffic	Justice Court	A defendant may appear in person or in writing before the

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Cases and Boating Cases Rule 8 R-07-0013 Contact AOC Specialist	Municipal Court Judges Clerks of the Court Court Administrators	<p>scheduled arraignment date and seek adjudication of a traffic or boating violation upon presenting a copy of the charging document to the court.</p> <p>Impact.</p> <ul style="list-style-type: none"> • The court may accept the copy of the complaint as the charging document for purposes of case initiation. • The court must continue to advise the defendant of pertinent legal rights, and assure that there is a factual basis for the plea. • The court, upon receipt of the original charging document, shall file it as part of the initial case disposition; and otherwise maintain proper records of the case resolution. • Where no original charging document is received, the court may take such steps as necessary to vacate the change of plea, dismiss the complaint, refund any payments, or otherwise restore the case to its initial posture, as appropriate.
Rules of Procedure in Civil Traffic Cases		
Rules of Proc in Civil Traffic Cases, Rules 1, 2, 22, 38-45 R-08-0021 Emergency Effective Date September 26, 2008	Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>These rules concern procedures for the statewide photo enforcement program administered by the Department of Public Safety.</p> <p>There are new definitions in Rule 1 for the “Department” (the DPS or a contractor acting on its behalf); a “notice of violation” (a charging document that is not filed in court); and “photo enforcement” (detection of Title 28 violations using photo equipment, pursuant to A.R.S. section 41-1722).</p> <p>A photo enforcement case is initiated by the Department of Public Safety providing a notice of violation to the alleged violator (Rule 38). The alleged violator may respond to DPS admitting or denying responsibility, or denying responsibility because he or she was not the driver (Rule 43).</p> <p>If the alleged violator does not admit responsibility, or fails to respond to the notice of violation, an Arizona Traffic Ticket and Complaint (ATTC) may be filed with the court (Rule 44). Service of the complaint is commenced by mailing within ten days, and is complete upon receipt of the offender's response. If there is no response to the mailing, service may be made as provided in Rule 4.1(d), Ariz. R. Civ. P. (Rule 45).</p> <p>Impact.</p> <ul style="list-style-type: none"> • It is anticipated that a majority of violations will be resolved at the notice of violation stage, i.e., without court involvement. • DPS photo enforcement cases will be filed in justice courts only. • AZTEC case management system updates have been made to permit e-filing of photo enforcement citations, and special processing of these citations (e.g., convictions on these citations are not reportable to DMV; and specific fines for violations are provided by statute). Non-AZTEC

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		courts have been advised of system modifications necessary to process these specific cases.
Rules of Protective Order Procedure		
Rules of Protective Order Procedure Rule 6 R-08-0017 Emergency Effective Date September 26, 2008 Contact AOC Specialist	Superior Court Justice Court Municipal Court Judges Clerks of the Court Court Administrators	<p>Statutory changes require a judicial hearing officer to consider “any evidence of harassment by electronic contact or communication” as a factor for the issuance of protective orders.</p> <p>The amendments to Rule 6 mirror the language and intent of the new Arizona statutes by incorporating the additional language “including evidence of harassment by electronic contact or communication.”</p> <p>Impact. It is already the common practice of judicial officers to consider evidence of electronic contact or electronic communication in petitions for orders of protection or injunctions against harassment. Therefore, any additional impact should be minimal.</p>
ARIZONA RULES OF FAMILY LAW PROCEDURE – (ARFLP)		
R-07-0010		
Effective January 1, 2009		
Section I. General Administration		
Scope of Rules Rule 1 Contact AOC Specialist	Superior Court Judges/Commissioners Judicial Staff Court Administrators	<p>The <i>Arizona Rules of Protective Order Procedure (ARPOP)</i> became effective on January 1, 2008 which prescribes detailed procedures for all protective order cases. Reference to protective orders deleted in Rule 1 and Rule 24(A).</p> <p>Impact: Removes references to protective orders in Rule 1 and Rule 24(A). If there is interplay between <i>ARPOP</i> and <i>ARFLP</i>, <i>ARFLP</i> is applicable to the extent that it is not inconsistent with <i>ARPOP</i>.</p>
Definitions Rule 3(B)(1) Contact AOC Specialist	Superior Court Judges/Commissioners	<p>Guardian is defined to distinguish between guardian and guardian <i>ad litem</i> or a best interests attorney.</p> <p>Impact: No significant impact is anticipated.</p>
Change of Judge Rule 6 Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators	<p>Language added to Rule 6 to clarify that the filing of one or more post-decree or post-judgment petitions does not entitle any party to an additional notice of change of judge or court commissioner.</p> <p>Impact: No significant impact is anticipated.</p>
Duties of Counsel Rule 9(B) Contact AOC Specialist	Superior Court Judges/Commissioners	<p>Rule 9(B) governing limited scope representation is amended to delete the provision that deemed this rule experimental in nature.</p> <p>Impact: No impact is expected as the review committee received significant positive feedback that limited scope representation has made legal representation more affordable and facilitated access</p>

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		to the courts.
Representation of Children; Minors and Incompetent Persons Rules 10(H), (I) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators	The court shall not appoint a guardian to act on behalf of a minor or incompetent person, except as provided by A.R.S. Title 14. Impact: Rule 10(H) thus distinguishes between guardians and guardians <i>ad litem</i> , now known as best interests attorneys, who may be appointed under the authority of this rule.
Public Access to Proceedings and Records Contact AOC Specialist	Superior Court Judges/Commissioners Clerks of the Court Court Administrators	Rule 13 is amended by adding subsection 13(D) to clarify that records of family court proceedings will be maintained and disclosed in accordance with Rule 123, <i>Rules of the Supreme Court</i> . <ul style="list-style-type: none"> • Authorizes the court to seal or limit access to records “upon a finding that the confidentiality or privacy interest of the parties, their minor children, or other person whose information appears of record outweighs the public interest in disclosure.” • Changes rule title to “Public Access to Proceedings and Records.”
II. Pleadings and Motions		
Additional Filings Rule 26(C) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerk of Court	Adds reference to Rule 91(D); rule provides that in all actions other than those listed in paragraphs A and B, and Rule 91(D), the party seeking relief shall provide the court with an original and a copy of an order to appear. Impact: None
Service on the Opposing Party or Additional Parties Rule 27(C) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerk of Court	Amended to correct an omission in the first requested revision of the rule with respect to the time for service of petitions and orders to appear filed to commence proceedings that do not start with a summons. The petition and order to appear would be served, in accordance with Rules 40, 41 or 42, at least 20 days prior to the scheduled hearing unless otherwise directed by the court. Impact: Without this amendment, the rules would not have provided clear direction of the manner and time to serve these initial petitions and orders to appear.
Amended and Supplemental Pleadings Rule 34(A)(2) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerk of Court	Provides that a party seeking to amend a pleading shall file a copy of amended pleading indicating the changes (i.e., strikeout version). If the motion to amend is granted, the moving party shall file and serve the amended pleading within ten days of the order granting the motion, unless the court otherwise orders. Impact: None. The change conforms the Family Law Rules to Ariz. R. Civ. P. 15(a).
Family Law Motion Practice Rule 35(A)	Superior Court Judges/Commissioners	Rule 35(A) corrects the reference to Rule 46 to Rule 4(D). Impact: Typographical correction. No impact is expected.

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Motions for Reconsideration Rule 35(D) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerk of Court	Consistent with the parallel provisions of Rule 7.1, <i>Arizona Rules of Civil Procedure</i> , a provision was added to require that motions for reconsideration be filed within thirty (30) days after the date of filing of the ruling sought to be reconsidered. Impact: No significant impact is anticipated.
Service of Process Rule 40(B) Contact AOC Specialist	Superior Court Judges/Commissioners Conciliation Court Administrators	Rule 40(B) is amended to include additional language from A.R.S. section 25-381.09 to notify the parties in the Summons that they may file or submit a petition with the conciliation court “for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved.” Amicable settlement remains a statutory function of conciliation court, and the absence of this statutory language could invite a misperception of the function of conciliation court. Impact: No significant impact is anticipated.
Service of Summons Upon the State Rule 41(G) Contact AOC Specialist	Superior Court Presiding Judge Judges/Commissioners Clerks of Court	Rule 41(G) is amended to allow service upon the state in Title IV-D cases by any method allowed for other parties in Rule 41(C). The rule authorizes use of the alternative method of electronic service upon the state when authorized by administrative order of the presiding judge. When authorized, a party would be permitted to effect service upon the state by filing a <i>Notice of State Interest</i> with the clerk requesting electronic service upon the state and separately listing the documents to be served. After the clerk files, scans, and electronically transmits the documents to the electronic address designated by the state, service would be complete upon the clerk filing a <i>Proof of Service by Electronic Transmittal</i> verifying that the documents and the <i>Notice of State Interest</i> were transmitted to and received by the state. Impact: <ul style="list-style-type: none"> • A presiding judge wishing to adopt this alternative method of service for IV-D cases will be required to issue an administrative order to implement the rule. • The Clerk must note the electronic address designated by the State in response to the administrative order. • A party wishing to effect electronic service upon the State in a IV-D case must file with other documents a <i>Notice of State Interest</i> requesting electronic service of the documents. • The rule requires the clerk to file, scan, and transmit documents, including the <i>Notice of State Interest</i>, to the electronic address designated by the State in IV-D cases. • The Clerk must complete and file a <i>Proof of Service by Electronic Transmittal</i> to verify transmittal of the documents, and receipt of the documents by the State.
Service after Appearance; Service after Judgment; How	Superior Court Judges/Commissioners	After appearance, the rule permits service by mail “or any other national courier service.”

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Rule	Will Affect	Summary and Impact
Made Rule 43(C)(2)(c) Contact AOC Specialist		Impact: None.
Filing, Attachments, Public Access Rule 43(D)(3) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of the Court	Rule 43(D)(3) is added to require that copies of documents filed after the original petition be provided to the judicial officer assigned to the case if judicial action is requested. Impact: <ul style="list-style-type: none"> • A statement of compliance with this requirement shall appear on the original of the pleading. • This rule is necessary for effective case management and to avoid the delay and confusion resulting from motions and requests being filed without the judicial officer being notified that action is needed on the motion or request.
Filing Sensitive Data Rule 43(G)(1), (2) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrator Clerk of Court	Rule 43(G)(1) is amended to prohibit the clerk from releasing an address protected by court order without a subsequent court order authorizing its release. Rule 43(G)(2) is amended to include driver's license numbers and personal identifying numbers within the definition of "sensitive data" to protect such information from public access and potential use in identity theft schemes. Impact: <ul style="list-style-type: none"> • Clerks of the Court are prohibited from releasing a protected address without a subsequent court order authorizing its release. • Drivers' license numbers and personal identifying numbers are added within definition of "sensitive data." • After filing of the sensitive data form, all references in file documents to the accounts and identifiers shall be made using only the last four digits of each account number and identifier.
V. Default Decree, Consent Decree, and Dismissal		
Judgment by Default Rule 44(B)(1)(c) Contact AOC Specialist	Superior Court Judges/Commissioners Clerk of Court	A motion to enter judgment by default on a petition to establish maternity or paternity may be made, but not if the petition also requested an order of custody or parenting time. Impact: Orders regarding custody and parenting time of minor children should not be entered without an opportunity for a judicial officer to question the petitioner concerning the appropriateness of the parenting plan and the best interests of the minor children.
Past Support Judgments	Superior Court	This new rule requires that defaulted respondents must be notified of the time period for which such past support is sought, and that

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Rule	Will Affect	Summary and Impact
Rule 44(B)(3) Contact AOC Specialist	Judges/Commissioners Court Administrators Clerks of Court	<p>past amounts will be calculated by retroactive application of the Arizona Child Support Guidelines.</p> <p>On a petition to establish a first order for child support, the notice must be given to respondent in the petition or at the time of initial service.</p> <p>On a petition for an order to appear pursuant to Rule 26(C), the notice must be served at least ten days prior to the hearing.</p> <p>Impact: Judicial officers must verify compliance with these notice requirements prior to entering past support judgments of child support.</p>
Informing Defaulted party Rule 44(B)(4) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of Court	<p>The new rule requires the party obtaining the default to mail a copy of the decree to the party in default within three (3) judicial days of receipt of the decree, and shall so indicate on the decree or judgment entered, except in those cases where a default judgment was obtained after service by publication.</p> <p>Impact: None is anticipated. Many counties have required this action for years in family law cases by local rule, and the failure to comply will not affect the validity of the decree.</p>
Voluntary Dismissal Rule 46(A) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of Court	<p>Rule amended to allow a voluntary dismissal of a petition by the filing party at any time prior to the filing of a response, rather than prior to service of the response.</p> <p>Impact: None.</p>
Dismissal Authority Rule 46(E) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of Court	<p>The authority of the court to issue notices and to dismiss cases and post-decree petitions for lack of service under Rule 40(I) and for lack of prosecution under Rules 46 and 91(R) may be performed by court administration or by appropriate electronic process under supervision of the court.</p> <p>Impact: Court administrators may issue notices and dismiss cases and post-decree petitions for lack of service (Rule 40(I)) and lack of prosecution (Rule 46 and 91(R)). These dismissal notices may also be issued by an appropriate electronic process, under supervision of the court.</p>
VI. Temporary Orders		
Temporary Orders; Requirements Prior to Conference or Hearing Rule 47(F),(G) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of Court	<p>Rule 47(F) now requires any response to a Motion For Temporary Orders to be verified in the same manner as the Petition.</p> <p>Rule 47(G) is amended to add the word "judicial" which requires the parties to exchange exhibits and information "at least three (3) judicial days prior to an evidentiary hearing" on temporary orders.</p> <p>Impact: Previously, there was inadequate time to prepare for an evidentiary hearing when the required information was received only three calendar days before the hearing.</p>

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Rule	Will Affect	Summary and Impact
VII. Disclosure and Discovery		
Resolution Statement Rule 49(A) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerk of Court	Rule 49(A) is amended to clarify that parties to grandparent visitation actions under A.R.S. section 25-409 and parties <i>in loco parentis</i> petitions filed pursuant to A.R.S. section 25-415 are not required to prepare and file a form Resolution Statement unless otherwise ordered by the court. Impact: <ul style="list-style-type: none"> Removes impression that such action is required when it does little to assist in resolution and identification of the issues. Allows court to specify when a Statement is required and the information to be included in the Statement.
Child Custody or Parenting Time Rule 49(B) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of Court	This new rule requires additional disclosure when child custody or parenting time is at issue. This rule change requires parties involved in custody or parenting time disputes to disclose evidence of any past or present protective order proceedings, treatment for psychiatric or psychological issues, anger management, substance abuse, or domestic violence within five (5) years, any criminal charges or convictions within ten (10) years, and any Child Protective Services investigations occurring within ten (10) years. Impact: The rule may expand the evidence that comes before the court during an evidentiary hearing.
Property Rule 49(E)(2), 49(E)(3) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators Clerks of the Court	Rule 49(E)(2) requires in every action for dissolution of marriage or for legal separation where the parties have not entered into written agreement disposing of all property, or no property is at issue that “electronically stored information” be provided to each party. References to “electronically stored information” throughout Rule 49. Rule 49(E)(3) is re-written to clarify the documents required to be disclosed concerning pensions, retirement, stock options and annuities, individual retirement accounts, 401(k) accounts, and other retirement and employment benefit accounts. The disclosure is intended to assist Qualified Domestic Relation Order (QDRO) experts. Impact: None is anticipated.
Discovery Rule 51 Contact AOC Specialist	Superior Court Judges/Commissioners	References to “electronically stored information” noted above in Rule 49 are continued throughout Rule 51. Impact: None is anticipated.
Subpoena Rule 52, 52(A)(3), and Rule 62 Contact	Supreme Court Superior Court Judges/Commissioners Court Administrators Clerks of Court	Rule 52 broadens information required by subpoenas to include “testing and sampling” as well as “inspection and copying”. Rule 52(A)(3) allows the clerk to issue a “signed but otherwise blank” subpoena to a party requesting it “and that party” shall complete the subpoena before service.

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Rule	Will Affect	Summary and Impact
AOC Specialist	Self-Service Center Staff	<p>The rule also allows the State Bar of Arizona to issue signed subpoenas on behalf of the clerk through an online subpoena issuance service approved by the Supreme Court of Arizona.*</p> <p>Impact: Clerks of the Court may now issue blank subpoenas.</p> <p>*See further Supreme Court A.O. No. 2008-84 (11/5/08) which approved the State Bar's plan for an online subpoena processing service.</p>
<p>Production of Documents and Things and Entry upon Land for inspection and Other Purposes</p> <p>Rule 62(A), (B), (C)</p> <p>Contact AOC Specialist</p>	<p>Superior Court</p> <p>Judges/Commissioners</p>	<p>The amended rule allows a party to specify the form or forms in which electronically stored information is to be produced.</p> <p>The rule also clarifies that the scope of production may include sound records, images and other data.</p> <p>The party who produces the documents shall also provide a list of the documents produced.</p> <p>Impact: None.</p>
<p>Electronically Stored Information</p> <p>Rule 65(E)</p> <p>Contact AOC Specialist</p>	<p>Superior Court</p> <p>Judges/Commissioners</p>	<p>New rule states absent exceptional circumstances, a court may not sanction a party for failing to provide electronically stored information "lost as a result of routine, good faith operation of an electronic information system."</p> <p>Impact: None.</p>
VIII. Settlement and ADR		
<p>Conciliation Counseling/Petition for Conciliation</p> <p>Rule 68(A)(2)(a)</p> <p>Contact AOC Specialist</p>	<p>Superior Court Conciliation Court</p> <p>Judges/Commissioners Court Administrators Clerks of Court</p>	<p>Rule 68(A)(2)(a) is amended to correct an inconsistency between this rule and A.R.S. section 25-381.09. The statute directs that a stay of proceeding commences upon the filing of a petition for conciliation, rather than upon acceptance of the petition by the conciliation court as specified in the current version of the rule.</p> <p>Impact: None is anticipated.</p>
<p>Mediation Agreements</p> <p>Rule 68(B)(6)(b), 68(B)(6)(c)</p> <p>Contact AOC Specialist</p>	<p>Superior Court Conciliation Court</p> <p>Judges/Commissioners Court Administrators Clerks of the Court</p>	<p>Rule 68(B)(6)(b) is amended to add a requirement that Conciliation Services notify the court when a mediation agreement is not reached because of the timely filing of an objection to the agreement as allowed by Rule 68.</p> <p>Rule 68(B)(6)(c) is also amended to allow the court to set a further hearing to consider the agreement when, in the judgment of the judicial officer, acceptance or rejection of the agreement is not clearly indicated.</p>

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Rule	Will Affect	Summary and Impact
		Impact: <ul style="list-style-type: none"> The change to Rule 68(B)(6)(b) will allow the court to proceed with the case more expeditiously. The change to Rule 68(B)(6)(c) allows the court to set another hearing if the agreement does not clearly indicate whether or not the agreement was accepted or rejected.
Failure to Appear at Conciliation ADR Processes Rule 68(F) Contact AOC Specialist	Superior Court Conciliation Court Judges/Commissioners Court Administrators	Rule 68(B)(7) is deleted and expanded as a new rule 68(F) to provide sanctions for a party's failure to appear at all scheduled mediation conferences, open negotiations, and other alternative dispute resolution (ADR) proceedings. Impact: Sanctions may be imposed after a failure to appear at a mediation conference or any other ADR proceeding scheduled by Conciliation Services.
Family Law Master – Retirement Benefits, Stock Options and Other Employment Related Compensation Rule 72(L) Contact AOC Specialist	Superior Court Judges/Commissioners	Rule 72(L) is added to establish a more detailed and accurate method of dividing retirement benefits, stock options and other employment related benefits through the appointment of an attorney or other qualified professional such as a Family Law Master to perform these complex duties as directed in the court's order of division. The master will have the powers enumerated in Rule 72 including the power to require production of documents and answers to interrogatories, to order parties to appear and provide needed information, and to issue subpoenas to obtain needed records to effectuate the terms of the court's order of division. Impact: The rule allows the court to appoint a family law master to perform complex duties, generally related Qualified Domestic Relation Orders (QDRO), as directed in the court's order of division.
Parenting Coordinator Rule 74(D) Contact AOC Specialist	Superior Court Judges/Commissioners	Deletes a provision that the court will determine the fees for a parenting coordinator. Impact: The court will allocate the parenting coordinator's fee between the parties, but not determine the amount of the fee. No significant impact is anticipated.
IX. Pretrial and Trial Procedures		
Pretrial Procedures Rule 76(A)(3)(f) Contact AOC Specialist	Superior Court Judges/Commissioners	At any Resolution Management Conference (RMC) the court may "adopt any agreements of the parties regarding discovery and disclosure." Impact: Application of this rule will assist the court to expeditiously deal with party agreements in the discovery and disclosure stage of litigation.
Pretrial Statement; Inventory of Property, and Financial Affidavits; Preparation; Final Pretrial Conference	Superior Court Judges/Commissioners	Rule 76(C)(1) is amended to allow the parties to file either a joint or separate pretrial statement unless the court specifies the type of statement to be filed. Impact: <ul style="list-style-type: none"> Given the large numbers of self-represented litigants in

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Rule	Will Affect	Summary and Impact
Rule 76(C)(1) Contact AOC Specialist		family court, the change will encourage better compliance with the rule, engender more respect for the law, conform to current practices, and better serve the unique circumstances of family law cases that make it difficult for legally untrained litigants to meet and prepare meaningful joint statements in many cases. <ul style="list-style-type: none"> • A party is required to list any objections to a witness, and the basis for that objection.
XI. Judgment and Decrees		
Motion to Alter or Amend a Judgment or Order Rule 84 Contact AOC Specialist	Superior Court Judges/Commissioners	Rule 84 allows “orders” as well as “judgments” to be amended. Impact: No significant impact is anticipated.
XI. Post-Decrees/Post-Judgment Proceedings		
Post-Decree and Post-Judgment Proceedings Rule 91(N) Contact AOC Specialist	Superior Court Judges/Commissioners Court Administrators	<p>Rule 91(N) is amended to add several provisions designed to reduce ambiguity in the current rule and avoid confusion with pre-decree processes. The amendment distinguishes a Post-decree or Post-judgment Management Conference (PMC) from the Rule 76 pre-decree and pre-judgment Resolution Management Conference (RMC), and customizes the requirements for the PMC to more closely meet the needs of post-decree and post-judgment litigation.</p> <p>If a PMC is scheduled by the court, each party shall within the time set by the court, or if no time is set, then no less than five (5) judicial days prior to the date of the RMC:</p> <ul style="list-style-type: none"> • Personally meet and confer (except that if there is a current court order prohibiting contact between the parties or a significant history of domestic violence between the parties, and then take all steps reasonable under the circumstances to resolve as many issues as possible); • Comply with all disclosure requirements set forth in Rule 91(P); • Eliminates the need for parties to prepare a Resolution Statement in post-decree and post-judgment matters unless specifically directed to do so by the court. <p>The remaining changes to this rule are designed to establish requirements for a pre-hearing statement prior to trial and to remove the requirement to “meet and confer” prior to the post-decree hearing, unless specifically ordered by the court.</p> <p>Impact: At any PMC the court may take all actions set forth in Rule 76(A)(3). After any PMC held pursuant to this rule, an order shall be entered reciting the action taken. This order shall control the subsequent course of the action unless modified by a subsequent order.</p>

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Rule	Will Affect	Summary and Impact
Disclosure Rule 91(P) Contact AOC Specialist	Superior Court Judges/Commissioners	Requires the parties to a post-decree or post-judgment proceeding which seeks to modify child custody or parenting time to disclose the additional information required in pre-decree custody proceedings as provided in the amendment to Rule 49(B). Impact: No significant impact is anticipated.
XIII. Other Family Law Services and Resources		
Other Family Law Services and Resources Rule 95(I) Contact AOC Specialist	Superior Court Judges	Rule adds new discretionary service of “Child Protective Services” if “the court believes that a child may be the victim of child abuse or neglect as defined in A.R.S. section 8-201.” Impact: This rule adds another tool for the judiciary to use if the court believes that a child may be the victim of child abuse or neglect.
Corresponding Changes to Ariz. R. Civil P.		
Changes to Ariz. R. Civil P. Contact AOC Specialist		<p>Rule 8(h)(1): Classification of civil actions. Eliminated reference to “domestic relations”.</p> <p>Rule 38.1(d): Inactive calendar in domestic relations cases. Now addressed by Rule 46, ARFLP.</p> <p>Rule 55(b)(1)(ii): Judgment by default. Subject matter of this rule is now addressed by Rule 44(b)(1), ARFLP.</p> <p>Rule 80(f): Proof of authority by attorney for defendant not appearing in divorce action. Rule 39, ARFLP, now addresses the manner of appearance by counsel and parties.</p> <p>Rule 84, Form 7: Domestic Relations Interrogatories. Rule 97, ARFLP, now approves various standard forms in family law cases, including form 7 (uniform family law interrogatories) that eliminates the need for domestic relations interrogatories in the civil rules.</p>